



## Western Land Exchange Project

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November 14, 2002

SUBJECT: Comments on Bradshaw-Harquahala Plan Revision

To whom it may concern:

This letter constitutes the comments of the Western Land Exchange Project on the pending Plan Revision for the Bradshaw-Harquahala Planning Area. Our organization is a non-profit, public interest oriented organization that monitors and evaluates federal land exchanges and conveyances and works for long-term policy reform in this area. We work throughout the eleven western states and have commented on several BLM land exchanges in Arizona, including the now-defunct NLCS (Aranda Properties) land exchange recently proposed within this planning area.

Our first comment concerns the fact that your office did not include the Western Land Exchange Project on the notification list for this planning effort despite our having submitted detailed scoping comments on the NLCS land exchange proposal. We learned of the planning effort from locals, who sent us a copy of the Planning Worksheet.

However, we also learned that your office omitted from the notification list many, if not all, of the people in the area who had also submitted comments on that land exchange and had even attended hearings on the project. It is hard to imagine that there could have been any recent action in the planning area about which the BLM has received more comments. This extraordinary oversight, if that is what it was, doesn't bode well for the BLM's planning effort or its implementation of the National Environmental Policy Act (NEPA). We believe your office should re-issue the scoping notification for this plan revision and include all of those who participated in the NLCS scoping.

As to the plan revision itself, we join the many citizens in the area in requesting that the BLM remove from its disposal plans the lands that were proposed for exchange to Aranda Properties. It is not clear whether the BLM had even identified those lands for disposal in the first place, but it is evident from recent public comment that there is overwhelming objection to the disposal of the lands.

As you know, the Federal Land Policy and Management Act (FLPMA) established the U.S. government's policy that federal lands should be retained in federal ownership "unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest (43 USC 1701)." Among the factors to be considered in the decision to exchange federal lands are the needs of State and local people (43 USC 1716). While this and other exchange criteria are not weighted, and the determination whether to dispose of/exchange lands is at the discretion of the

agency, public input under the FLPMA planning process (and under NEPA) is intended to inform that decision and cannot be ignored.

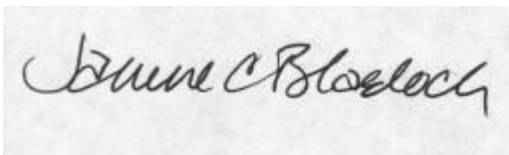
In any case, in completing its plan revision for the Bradshaw-Harquahala area, the BLM must identify lands it will consider for exchange and justify the decision to designate those lands as suitable for disposal.

Section H-1601-1 of the BLM's Land Use Planning Handbook includes the following guidance pertaining to disposal:

The BLM may identify disposal areas by parcel or by specific areas that would be subject to disposal based on the application of the specific disposal criteria (FLPMA, Section 203 or 206) and other evaluation factors (e.g., resource values and concerns, accessibility, public investment, encumbrances, community needs) identified in the land use plan. It must be clear to the public that all lands within areas covered by any disposal criteria may be transferred out of Federal ownership based on the application of such criteria. *To accomplish this, the land use plan must be explicit as to: (1) the location of the lands involved, illustrated either on a map of sufficient detail and scale to be clearly understood by the public, or by legal description; (2) the disposal authorities under which the lands may be conveyed (the land use plan may identify lands for disposal under several authorities, pending the application of disposal criteria during plan implementation); (3) the criteria that must be met in order to allow conveyance; and (4) the management objectives to be served by the disposal action (emphasis added).*

Again, we suggest that the BLM re-issue the scoping materials for the plan revision and include on the list the many participants on the NLCS exchange project. We also urge you to remove the NLCS lands from the disposal list and make clear in the upcoming plan revision exactly which lands in the planning area will be considered for disposal.

Yours truly,

A handwritten signature in dark ink, reading "Janine C Blaeloch". The signature is written in a cursive, flowing style.

Janine Blaeloch  
Director